

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

John P. Brown, et al.,

Plaintiffs,

vs.

State of South Carolina, et al.,

Defendants

C.A. No.: 2:00-3215-RBH

Supplemental Order

This Court entered an Order on January 3, 2008 adopting the recommendation of the Magistrate Judge that numerous parties be dismissed based upon their failure to keep the court informed of their current address and their failure to file objections to the Magistrate Judge's Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). In addition to the parties dismissed in this court's order (Docket Entry #407), the Magistrate Judge's Report (Docket Entry #355) had also recommended that plaintiff Gardner McMillian be dismissed for failure to keep the court informed of his current address. Mr. McMillian did not file any objections to the Report and Recommendation. However, through a clerical error, this court did not dismiss as a party plaintiff Gardner McMillian at the same time the others were dismissed.

Pursuant to Fed. R. Civ. P. 60(a), this Court finds that it is appropriate to correct this clerical error and to dismiss as a party plaintiff Gardner McMillian. The Court notes that the record reflects that mail from the Clerk of this Court to Mr. McMillian has been returned, marked

“released” on several occasions, most recently on July 18, 2008. *See* Docket Entry #s 362, 466, 487, 508.

For the above reasons, it is **ORDERED** that this action is dismissed with prejudice as to Gardner McMillian.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
U.S. District Judge

Florence, South Carolina
July 24, 2008